

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 492

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO VEHICLE REGISTRATION AND FEES; AMENDING SECTION 49-426, IDAHO CODE, TO REPLACE THE TERM "REGISTERED" WITH THE TERM "NUMBERED" AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-7008, IDAHO CODE, TO REMOVE LANGUAGE RELATING TO CERTAIN REGISTRATION FEES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7101, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 67-7103, IDAHO CODE, TO PROVIDE THAT EACH SNOWMOBILE MUST BE NUMBERED AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7104, IDAHO CODE, TO REPLACE THE TERM "REGISTRATION" WITH "CERTIFICATE OF NUMBERING"; AMENDING SECTION 67-7105, IDAHO CODE, TO REMOVE THE TERM "REGISTRATION"; AMENDING SECTION 67-7106, IDAHO CODE, TO REPLACE THE TERM "REGISTRATION" WITH "CERTIFICATE OF NUMBER"; AMENDING SECTION 67-7108, IDAHO CODE, TO PROVIDE FOR APPLICATION OF LAW AND TO PROVIDE FOR A PROHIBITION; AMENDING SECTION 67-7112, IDAHO CODE, TO REPLACE THE TERM "REGISTERED" WITH THE TERM "NUMBERED"; AMENDING SECTION 67-7113, IDAHO CODE, TO REVISE A FINE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7122, IDAHO CODE, TO PROVIDE FOR A NUMBER CERTIFICATE, TO REVISE PROVISIONS RELATING TO CERTAIN INFORMATION SUBMITTED TO THE DEPARTMENT, TO REVISE PROVISIONS RELATING TO THE SALE OF CERTAIN VEHICLES AND TO REPLACE THE TERM "REGISTERED" WITH THE TERM "NUMBERED"; AMENDING SECTION 67-7123, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE TRANSFER OF NUMBER CERTIFICATES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-7124, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A CERTAIN EXEMPTION; AMENDING SECTION 67-7125, IDAHO CODE, TO REPLACE THE TERM "REGISTRATION" WITH "NUMBERING" AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7126, IDAHO CODE, TO REVISE A TERM; TO PROVIDE FOR RULES; AND PROVIDING SEVERABILITY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-426, Idaho Code, be, and the same is hereby amended to read as follows:

49-426. EXEMPTIONS FROM OPERATING FEES. The provisions of this chapter with respect to operating fees shall not apply to:

(1) Motor vehicles owned or leased by the United States, the state, a city, a county, any department thereof, any political subdivision or municipal corporation of the state, any taxing district of the state, any state registered nonprofit subscription fire protection unit, or any organization, whether incorporated or unincorporated, organized for the operation, maintenance, or management of an irrigation project or irrigation works or system or for the purpose of furnishing water to its members or shareholders, but in other respects shall be applicable.

(2) Farm tractors, implements of husbandry, those manufactured homes which qualify for an exemption under the provisions of section 49-422, Idaho

Code, road rollers, wheel mounted tar buckets, portable concrete and/or mortar mixers, wheel mounted compressors, tow dollies, portable toilet trailers, street sweepers, other construction equipment, forestry equipment, lawn and grounds equipment and similar devices as determined by the department which are temporarily operated or moved upon the highways need not be registered under the provisions of this chapter, nor shall implements of husbandry be considered towed units under registration of vehicle combinations as defined in section 49-108(2), Idaho Code. In addition, self-propelled wheelchairs, three-wheeled bicycles, wheelchair conveyances, golf carts, lawn mowers, and scooters operated by persons who by reason of physical disability are otherwise unable to move about as pedestrians shall be exempt from registration requirements under the provisions of this chapter. Motorcycles, motorbikes, utility type vehicles and all-terrain vehicles need not be licensed under the provisions of this chapter or ~~registered~~ numbered pursuant to the provisions of section 67-7122, Idaho Code, if they are being used exclusively in connection with agricultural, horticultural, dairy and livestock growing and feeding operations or used exclusively for snow removal purposes. Travel upon the public highways shall be limited to travel between farm or ranch locations. Motorcycles, motorbikes, utility type vehicles and all-terrain vehicles used for this purpose shall meet the emblem requirements of section 49-619, Idaho Code.

(3) Any political subdivision of the state of Idaho may, but only after sufficient public notice is given and a public hearing held, adopt local ordinances or resolutions designating highways or sections of highways under its jurisdiction which are closed to all-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes licensed pursuant to this chapter and ~~registered~~ numbered pursuant to section 67-7122, Idaho Code. The operation of licensed and ~~registered~~ numbered all-terrain vehicles, utility type vehicles and motorbikes and those vehicles exempt from licensing and ~~registration~~ numbering pursuant to subsection (2) of this section shall not be permitted on controlled access highways. The requirements of title 18 and chapters 2, 3, 6, 8, 12, 13 and 14, title 49, Idaho Code, shall apply to the operation of any all-terrain vehicle, utility type vehicle or motorbike upon highways. Costs related to the posting of signs on highways or sections of highways that are closed to such vehicles, indicating the ordinance, are eligible for reimbursement through the motorbike recreation account created in section 67-7126, Idaho Code.

(4) The Idaho transportation board may designate sections of state highways over which all-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes may cross. The requirements of title 18, and chapters 2, 3, 6, 8, 12, 13 and 14, title 49, Idaho Code, shall apply to the operation of all-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes when using designated crossings on state highways.

(5) All-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes may be used on highways located on state lands or federal lands which are not part of the highway system of the state of Idaho, provided the ~~registration~~ numbering requirements of section 67-7122, Idaho Code, are met.

1       SECTION 2. That Section 67-7008, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3       67-7008. CERTIFICATE OF REGISTRATION -- EXPIRATION -- FEES. (1)  
4 Within fifteen (15) days after purchase, or as otherwise herein provided,  
5 the owner of each vessel requiring numbering by the state of Idaho shall file  
6 an application for registration with an assessor or authorized vendor on  
7 forms provided by the department. The application shall be signed by the  
8 owner and shall be accompanied by the fee herein designated. Upon receipt of  
9 an application in approved form, and the appropriate fee, the assessor or au-  
10 thorized vendor shall enter the same upon the records of its office and issue  
11 to the applicant two (2) validation stickers and a certificate of registra-  
12 tion stating the number issued to the vessel, the receipt of any fee paid  
13 and the name and address of the owner, and the assessor or authorized vendor  
14 shall forward to the department a duplicate copy. The owner shall paint on  
15 or permanently attach to each side of the bow of the vessel the registration  
16 number and validation sticker in a manner as may be prescribed by rules of  
17 the department in order that they may be completely visible, and the number  
18 shall be maintained in legible condition. The certificate of registration  
19 shall be pocket-size and shall be on board and available at all times for in-  
20 spection on the vessel for which issued whenever that vessel is in operation,  
21 except that livery operators may have the rental agreement on board rented  
22 vessels in lieu of the certificate of registration.

23       (2) The owner of any vessel for which a current certificate of registra-  
24 tion has been issued pursuant to any federal law or a federally approved num-  
25 bering system of another state shall, if the vessel is operated on the waters  
26 of this state in excess of sixty (60) days, make application for a certifi-  
27 cate of Idaho registration in the manner prescribed in this section.

28       (3) Each assessor and authorized vendor shall record, on a form pro-  
29 vided by the department, the names of all owners of vessels who make applica-  
30 tion for certificates of registration, together with the amount of the fees  
31 paid by the owners. He shall, on or before the tenth of each month, forward to  
32 the department a duplicate copy of each record for the preceding month.

33       (4) All records of the department made or kept pursuant to this section  
34 shall be kept current and shall be public records.

35       (5) Every certificate of registration issued shall continue in full  
36 force and effect through December 31 of the year of issue unless sooner  
37 terminated or discontinued in accordance with law. Certificates of regis-  
38 tration may be renewed by the owner in the same manner provided for in the  
39 initial securing of them.

40       (6) The owner of any vessel shall notify the department within fifteen  
41 (15) days if his vessel is destroyed or abandoned, or is sold or transferred  
42 either wholly or in part to another person or persons or if the owner's ad-  
43 dress no longer conforms to the address appearing on the certificate of reg-  
44 istration. In all such cases, the notice shall be accompanied by a surrender  
45 of the certificate of registration. When the surrender of the certificate is  
46 by reason of the vessel being destroyed, abandoned or sold, the department  
47 shall cancel the certificate and enter that fact in its records. If the sur-  
48 render is by reason of a change of address on the part of the owner, the new

address shall be endorsed on the certificate and the certificate returned to the owner.

(7) Whenever the ownership of a vessel changes, the purchaser shall, within fifteen (15) days after acquisition, make application to the department for transfer to him of the certificate of registration issued for the vessel, giving his name, address, and the number of the vessel and shall, at the same time, pay to the department a transfer fee of three dollars (\$3.00). Upon receipt of the application and fee, the department shall transfer the certificate of registration issued for the vessel to the new owner or owners. Unless the application is made and the fee paid within fifteen (15) days, the vessel shall be considered to be without a certificate of registration.

(8) No number other than the registration number issued to a vessel or granted by reciprocity pursuant to law shall be painted, attached, or otherwise displayed on either side of the bow of the vessel.

(9) If any certificate of registration becomes lost, mutilated, or becomes illegible, the owner of the vessel for which the same was issued shall obtain a duplicate of the certificate from the department upon application and the payment of a fee of three dollars (\$3.00). If one or both validation stickers are lost, stolen, or destroyed, any sticker remnants and the certificate of registration should be returned to the department along with a three dollar (\$3.00) fee and an application for a duplicate certificate of registration and validation stickers.

(10) A person engaged in the manufacture or sale of vessels of a type otherwise required to be numbered by law, may obtain, pursuant to regulations duly promulgated by the department, certificates of registration for use in the testing or demonstration only of a vessel upon payment of thirteen dollars (\$13.00) for each certificate. Certificates of registration so issued may be used by the applicant in the testing or demonstration only of vessels by temporary placement of the numbers assigned by the certificates on the vessel tested or demonstrated, and shall be issued and displayed as otherwise prescribed by this chapter or by regulation of the department.

(11) The registration fees shall be:

<del>(a)</del> Vessels 0-12 feet in length	\$20.00
Vessels over 12 feet in length	20.00
plus \$2.00 per foot for each additional foot	
in excess of 12 feet.	

~~(b) The registration fees for new or used vessels which have not previously been registered in Idaho shall be:~~

- ~~(i) For vessels acquired or brought into the state January 1 through March 31, the full amount of the regular fees;~~
- ~~(ii) For vessels acquired or brought into the state April 1 through June 30, seventy-five percent (75%) of the regular fees;~~
- ~~(iii) For vessels acquired or brought into the state July 1 through September 30, fifty percent (50%) of the regular fees;~~
- ~~(iv) For vessels acquired or brought into the state after September 30, twenty-five percent (25%) of the regular fees.~~

~~(c) Each assessor and authorized vendor shall presume that any vessel is subject to the regular certificate of registration fees, unless the applicant can successfully show reasonable proof that the vessel has not previously been registered in Idaho.~~

(12) The provisions of subsection (11) of this section, with respect to the amount of payment of registration fees, shall not apply to vessels owned by any charitable or religious organization, scout organization or any similar organization not used and operated for profit. All vessels currently registered by the state of Idaho and having paid the fees imposed by subsection (11) of this section shall not be assessed and taxed as personal property in the state of Idaho.

(13) The registration fee for vessels owned by any charitable or religious organization, scout organization or similar organization not used and operated for profit shall be two dollars (\$2.00) per year.

SECTION 3. That Section 67-7101, Idaho Code, be, and the same is hereby amended to read as follows:

67-7101. DEFINITIONS. In this chapter:

(1) "All-terrain vehicle" or "ATV" means any recreation vehicle with three (3) or more tires and fifty (50) inches or less in width, having a wheelbase of sixty-one (61) inches or less, has handlebar steering and a seat designed to be straddled by the operator.

(2) "Board" means the park and recreation board created under authority of section 67-4221, Idaho Code.

(3) "Bona fide snowmobile program" means services or facilities as approved by the department that will benefit snowmobilers such as snowmobile trail grooming, plowing and maintaining snowmobile parking areas and facilities, and trail signing.

(4) "Dealer" means any person who engages in the retail sales of or rental of snowmobiles, motorbikes, utility type vehicles or all-terrain vehicles.

(5) "Department" means the Idaho department of parks and recreation.

(6) "Designated parking area" means an area located, constructed, maintained, and signed with the approval of the land manager or owner.

(7) "Director" means the director of the department of parks and recreation.

(8) "Highway." (See section 40-109, Idaho Code, but excepting public roadway as defined in this section)

(9) "Motorbike" means any self-propelled two (2) wheeled motorcycle or motor-driven cycle, excluding tractor, designed for or capable of traveling off developed roadways and highways and also referred to as trailbikes, enduro bikes, trials bikes, motocross bikes or dual purpose motorcycles.

(10) "Off-highway vehicle" means an all-terrain vehicle, motorbike, specialty off-highway vehicle or utility type vehicle as defined in this section.

(11) "Operator" means any person who is in physical control of a motorbike, all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or snowmobile.

(12) "Owner" means every person holding record title to a motorbike, all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or snowmobile and entitled to the use or possession thereof, other than a lienholder or other person having a security interest only.

(13) "Person" means an individual, partnership, association, corporation, or any other body or group of persons, whether incorporated or not, and regardless of the degree of formal organization.

(14) "Public roadway" means all portions of any highway which are controlled by an authority other than the Idaho transportation department.

(15) "Snowmobile" means any self-propelled vehicle under one thousand (1,000) pounds unladen gross weight, designed primarily for travel on snow or ice or over natural terrain, which may be steered by tracks, skis, or runners.

(16) "Specialty off-highway vehicle" means any vehicle manufactured, designed or constructed exclusively for off-highway operation that does not fit the definition of an all-terrain vehicle, utility type vehicle or motorbike as defined in this section. The vehicle classification provided for in this subsection shall become effective on January 1, 2010.

(17) "Utility type vehicle" or "UTV" means any recreational motor vehicle other than an ATV, motorbike or snowmobile as defined in this section, designed for and capable of travel over designated roads, traveling on four (4) or more tires, maximum width less than seventy-four (74) inches, maximum weight less than two thousand (2,000) pounds, and having a wheelbase of one hundred ten (110) inches or less. A utility type vehicle must have a minimum width of fifty (50) inches, a minimum weight of at least nine hundred (900) pounds or a wheelbase of over sixty-one (61) inches. Utility type vehicle does not include golf carts, vehicles specially designed to carry a disabled person, implements of husbandry as defined in section 49-110(2), Idaho Code, or vehicles otherwise registered under title 49, Idaho Code. A "utility type vehicle" or "UTV" also means a recreational off-highway vehicle or ROV.

(18) "Vendor" means any entity authorized by the department to sell recreational ~~registrations~~ certificates of number.

(19) "Winter recreational parking locations" means designated parking areas established and maintained with funds acquired from the cross-country skiing account.

SECTION 4. That Section 67-7103, Idaho Code, be, and the same is hereby amended to read as follows:

67-7103. APPLICATION FOR NUMBER -- ATTACHMENT OF NUMBER -- CERTIFICATE -- APPLICATION FOR TRANSFER OF CERTIFICATE -- TRANSFER OF CERTIFICATE FEE -- TEMPORARY NUMBER -- FEES. (1) On or before November 1 of each year the owner of each snowmobile requiring numbering by the state of Idaho shall file an application for number with the department on forms approved by it. The application shall be signed by the owner and shall, except as provided in subsection (7) of this section, be accompanied by a fee of thirty-one dollars (\$31.00). Upon receipt of the application, the department shall issue to the applicant a certificate of number stating the number assigned to the snowmobile and the name and address of the owner. The owner shall attach to the snowmobile the identification number in a manner as may be prescribed by rules of the department. The number shall be located on the right and left side of the cowling of the snowmobile and shall be completely visible and shall be maintained in legible condition. The certificate of number shall be pocket-size and shall be available at all times for inspection on the snowmobile for which issued, wherever the snowmobile is in operation.

(2) The department may issue any certificate of number directly or may authorize any persons to act as vendor for the issuance. In the event a person accepts the authorization, he may be assigned a block of numbers and certificates which upon issue, in conformity with this chapter and with any rules of the department, shall be valid as if issued directly by the department.

(3) All records of the department made or kept pursuant to this section shall be public records.

(4) Each snowmobile must be ~~registered~~ numbered before it leaves the premises at the time of sale from any retail snowmobile dealer.

(5) The purchaser of a snowmobile shall, within fifteen (15) days immediately after acquisition, make application to the department for transfer to him of the certificate of number issued to the snowmobile, giving his name, address and the number of the snowmobile and shall at the same time pay to the department a fee of three dollars (\$3.00). Upon receipt of the application and fee, the department shall transfer the certificate of number issued for the snowmobile to the new owner or owners. Unless the application is made and fee paid within fifteen (15) days, the snowmobile shall be considered to be without a certificate of number and it shall be unlawful for any person to operate that snowmobile until the certificate is issued.

(6) No number other than the number issued to a snowmobile pursuant to this chapter shall be painted, attached, or otherwise displayed on the snowmobile, except a temporary number may be attached to identify a snowmobile for the purpose of racing or other sporting events.

(7) Resident and nonresident owners of snowmobiles used for rental purposes shall purchase certificates of number for sixty-one dollars (\$61.00) and the certificates of number shall be displayed on the machine at all times.

SECTION 5. That Section 67-7104, Idaho Code, be, and the same is hereby amended to read as follows:

67-7104. NONRESIDENT SNOWMOBILE USER CERTIFICATE REQUIRED. The owner of a nonresident, noncommercial snowmobile shall not be required to comply with the ~~registration~~ certificate of numbering requirements of the state of Idaho, but shall be required to obtain a nonresident snowmobile user certificate. A fee of thirty-one dollars (\$31.00) shall be imposed for the issuance of a nonresident snowmobile user certificate. The certificate of number shall be displayed in the same manner as provided in section 67-7103, Idaho Code. Such certificates shall be valid beginning November 1 through October 31 of the following year. Issuance and administration of nonresident snowmobile user certificates shall be conducted in the same manner as provided in section 67-7103, Idaho Code, for numbering of snowmobiles.

(1) For purposes of this section, "nonresident" shall be as defined in section 36-202, Idaho Code.

(2) In the absence of a bona fide program in the area or upon the request of the bona fide county snowmobile advisory committee of the nearest affected county in Idaho, the requirements for the nonresident certificate may be waived by the parks and recreation board on specific trails where the snowmobile trail grooming is solely supported by a state other than Idaho.

1       SECTION 6. That Section 67-7105, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3       67-7105. GOVERNMENT OWNERSHIP. Certificate of number ~~and registra-~~  
4 ~~tion~~ portions of this chapter shall not apply to snowmobiles, all-terrain  
5 vehicles, utility type vehicles, specialty off-highway vehicles and motor-  
6 bikes owned and operated by the federal government, a state government or a  
7 subdivision of it.

8       SECTION 7. That Section 67-7106, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10       67-7106. DISTRIBUTION OF MONEYS COLLECTED -- COUNTY SNOWMOBILE FUND  
11 -- STATE SNOWMOBILE FUND -- STATE SNOWMOBILE SEARCH AND RESCUE FUND. (1) Each  
12 vendor shall not later than the fifteenth day of each month remit all moneys  
13 collected under the provisions of sections 67-7103 and 67-7104, Idaho Code,  
14 to the state treasurer for credit to the state snowmobile fund, established  
15 in the dedicated fund, to be administered by the director, except that one  
16 dollar (\$1.00) from each snowmobile certificate of number fee, one dollar  
17 (\$1.00) from each rental certificate of number fee, and one dollar (\$1.00)  
18 from each nonresident snowmobile user certificate issued by the vendor shall  
19 be credited by the state treasurer to the state snowmobile search and rescue  
20 fund created in section 67-2913A, Idaho Code.

21       (2) Each county with a bona fide snowmobile program shall be entitled to  
22 receive from the department eighty-five percent (85%) of the moneys gener-  
23 ated for that county during that registration certificate of number period.  
24 Counties with a bona fide snowmobile program may use up to fifteen percent  
25 (15%) of their county snowmobile moneys upon recommendation by their county  
26 snowmobile advisory committee for snowmobile law enforcement purposes.

27       (3) Up to fifteen percent (15%) of the revenue generated from snowmo-  
28 bile registrations certificates of number each year may be used by the de-  
29 partment to defray administrative costs. Any moneys unused at the end of the  
30 fiscal year shall be returned to the state treasurer for deposit in the state  
31 snowmobile fund.

32       (4) Vendors shall be entitled to charge an additional one dollar and  
33 fifty cents (\$1.50) handling fee per registration certificate of number for  
34 the distribution of certificates of number. Handling fees collected by the  
35 department shall be deposited to the state snowmobile fund.

36       (5) For those registrations certificates of number not designated to a  
37 bona fide county snowmobile program, the moneys generated shall be deposited  
38 to the state snowmobile fund, and such fund shall be available to the depart-  
39 ment for snowmobile-related expenses.

40       SECTION 8. That Section 67-7108, Idaho Code, be, and the same is hereby  
41 amended to read as follows:

42       67-7108. PROHIBITION AGAINST NUMBERING BY POLITICAL SUBDIVI-  
43 SIONS. The provisions of this chapter shall govern the numbering and  
44 registration of snowmobiles, all-terrain vehicles, motorbikes, specialty  
45 off-highway vehicles and utility type vehicles operated in this state. All  
46 political subdivisions of the state are expressly prohibited from numbering



1 or registering snowmobiles, all-terrain vehicles, motorbikes, specialty  
2 off-highway vehicles and utility type vehicles in any respect.

3 SECTION 9. That Section 67-7112, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 67-7112. GROOMED SNOWMOBILE TRAILS. Any all-terrain vehicle operat-  
6 ing on groomed snowmobile trails during the winter snowmobiling season when  
7 the trails are groomed shall be registered numbered as a snowmobile under  
8 the provisions of section 67-7103, Idaho Code. Counties shall have the op-  
9 tion to allow all-terrain vehicles, if registered numbered, to use snowmo-  
10 bile trails in the county. No other vehicles shall operate on groomed snow-  
11 mobile trails unless specifically allowed by the county. Violation of the  
12 provisions of this section shall be an infraction.

13 SECTION 10. That Section 67-7113, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 67-7113. VIOLATIONS -- ACCOUNTABLE FOR PROPERTY DAMAGE. ~~(1)~~ Any per-  
16 son who violates any provision of sections 67-7102 through ~~section~~ 67-7112,  
17 Idaho Code, shall be guilty of an infraction, and shall be punished by a  
18 fine of not less than ~~ten~~ fifty dollars (\$~~1~~50.00) nor more than one hundred  
19 dollars (\$100). In addition thereto, the operator and/or owner of the snow-  
20 mobile shall be responsible and held accountable to the owner of any lands  
21 where trees, shrubs or other property have been damaged as the result of  
22 travel over their premises.

23 SECTION 11. That Section 67-7122, Idaho Code, be, and the same is hereby  
24 amended to read as follows:

25 67-7122. ~~REQUIREMENTS -- REGISTRATION -- PROCEDURE APPLICATION FOR~~  
26 NUMBER -- ATTACHMENT OF NUMBER -- CERTIFICATE -- FEES. (1) On or before  
27 January 1 of each year, the owner of any all-terrain vehicle, motorbike,  
28 specialty off-highway vehicle or utility type vehicle as defined in section  
29 67-7101, Idaho Code, or any motorcycle as defined in section 49-114, Idaho  
30 Code, used off public highways, on highways located on state lands or federal  
31 lands which are not part of the highway system of the state of Idaho or on  
32 highways as prescribed in section 49-426(3) and (4), Idaho Code, but exclud-  
33 ing those vehicles used exclusively on private land for agricultural use or  
34 used exclusively for snow removal purposes as provided in section 49-426(2),  
35 Idaho Code, shall ~~register~~ obtain a number certificate for that vehicle at  
36 any vendor authorized by the department. Effective January 1, 2010, a fee  
37 of twelve dollars (\$12.00) shall be charged for each ~~registration number~~  
38 certificate, which fee includes a one dollar and fifty cent (\$1.50) fee to be  
39 retained by the vendor and the remainder of which shall be remitted to the de-  
40 partment together with ~~a duplicate copy of the application form, information~~  
41 noting the number of the registration sticker certificate issued, the iden-  
42 tity of the owner that purchased the number certificate, the owner's desig-  
43 nated county use area, and the type of machine to which the owner will affix  
44 the certificate of number (e.g., motorbike, all-terrain vehicle, utility  
45 type vehicle or specialty off-highway vehicle). The foregoing shall not

1 prohibit the department from collecting any additional information as it may  
 2 deem necessary or helpful to its administrative duties under this chapter.

3 (2) At the time of sale from any dealer, each motorbike, all-terrain  
 4 vehicle or utility type vehicle sold to an Idaho resident, but excluding  
 5 those vehicles to be used exclusively on private land for agricultural use or  
 6 used exclusively for snow removal purposes as provided in section 49-426(2),  
 7 Idaho Code, ~~must be registered~~ obtain a number certificate.

8 (a) Application blanks and ~~registration stickers~~ number certificates  
 9 shall be supplied by the department and the ~~registration sticker~~ number  
 10 certificates shall be issued to the person making application for  
 11 ~~registration~~ the number certificate.

12 (b) All ~~registration stickers~~ which number certificates that are is-  
 13 sued shall be in force through December 31 of the issued year. All  
 14 ~~registration stickers~~ number certificates shall be renewed by the owner  
 15 of the all-terrain vehicle, motorbike, specialty off-highway vehicle  
 16 or utility type vehicle in the same manner provided for in the initial  
 17 securing of the same or with any vendor authorized by the department. A  
 18 vendor issuing a renewal ~~registration sticker~~ number certificate shall  
 19 retain a one dollar and fifty cent (\$1.50) vendor fee and remit the  
 20 remainder of the twelve dollar (\$12.00) renewal ~~registration sticker~~  
 21 number certificate fee to the department together with a ~~duplicate~~  
 22 ~~copy of the application form, noting the number of the registration~~  
 23 ~~sticker issued~~ information noting the number of the certificate issued,  
 24 the identity of the owner that purchased the number certificate, the  
 25 owner's designated county use area, and the type of machine to which the  
 26 owner will affix the certificate of number (e.g., motorbike, all-ter-  
 27 rain vehicle, utility type vehicle or specialty off-highway vehicle).  
 28 The foregoing shall not prohibit the department from collecting any  
 29 additional information as it may deem necessary or helpful to its admin-  
 30 istrative duties under this chapter.

31 (c) The issued ~~registration sticker~~ number certificate shall be placed  
 32 upon the restricted vehicle license plate of the all-terrain vehicle,  
 33 motorbike or utility type vehicle, or upon the right fork of a vehicle  
 34 registered pursuant to section 49-402(3), Idaho Code, or of a motor-  
 35 bike if used exclusively off-highway, or upon the rear fender of an all-  
 36 terrain vehicle, specialty off-highway vehicle or utility type vehicle  
 37 if used exclusively off-highway. The placement shall be made in such a  
 38 manner that it is completely visible, does not cover the license plate  
 39 numbers or letters, if licensed, and shall be kept in a legible condi-  
 40 tion at all times.

41 (3) For operation of a motorbike that meets the requirements speci-  
 42 fied in section 49-114(10), Idaho Code, on the public highways, the vehicle  
 43 shall also be registered pursuant to the provisions of section 49-402(3),  
 44 Idaho Code. A motorbike that meets the requirements specified in sec-  
 45 tion 49-114(10), Idaho Code, and that is registered pursuant to section  
 46 49-402(3), Idaho Code, shall not be required to obtain a restricted license  
 47 plate pursuant to section 49-402(4), Idaho Code. A motorbike, all-terrain  
 48 vehicle, specialty off-highway vehicle or utility type vehicle operated  
 49 exclusively off-highway or on highways located on state lands or federal  
 50 lands which are not part of the highway system of the state of Idaho and that

1 meet the registration requirements specified in this section shall not be  
 2 required to obtain a restricted vehicle license plate pursuant to section  
 3 49-402(4), Idaho Code.

4 (4) Nonresidents shall be allowed to purchase a restricted vehicle  
 5 license plate pursuant to section 49-402(4), Idaho Code, and/or a ~~sticker~~  
 6 number certificate for an all-terrain vehicle, motorbike or utility type  
 7 vehicle.

8 SECTION 12. That Section 67-7123, Idaho Code, be, and the same is hereby  
 9 amended to read as follows:

10 67-7123. TRANSFER OF ~~REGISTRATION STICKER~~ NUMBER CERTIFICATES AND  
 11 RESTRICTED VEHICLE LICENSE PLATE. The purchaser of an all-terrain vehicle,  
 12 utility type vehicle or motorbike, which has been previously ~~registered~~  
 13 issued a number certificate pursuant to section 67-7122, Idaho Code, and  
 14 issued a restricted vehicle license plate pursuant to section 49-402, Idaho  
 15 Code, shall, within fifteen (15) days after acquiring same, make application  
 16 to the county assessor or county motor vehicle office as may be designated by  
 17 the county assessor for transfer to him of the ~~sticker of registration number~~  
 18 certificate and restricted vehicle license plate issued to the vehicle,  
 19 giving the same information as on the original application and the number of  
 20 the ~~registration sticker number certificate~~ and restricted vehicle license  
 21 plate, and shall at the same time pay a transfer fee of one dollar and fifty  
 22 cents (\$1.50).

23 SECTION 13. That Section 67-7124, Idaho Code, be, and the same is hereby  
 24 amended to read as follows:

25 67-7124. NONRESIDENT -- EXEMPTION. (1) The provisions of section  
 26 67-7122, Idaho Code, regarding ~~registration number certificates~~ shall not  
 27 apply to any nonresident owner; provided the all-terrain vehicle, utility  
 28 type vehicle, specialty off-highway vehicle or motorbike is currently and  
 29 properly registered or numbered in the state of the owner's residence. Own-  
 30 ers of an all-terrain vehicle, utility type vehicle, specialty off-highway  
 31 vehicle or motorbike from states that do not have a registration or numbering  
 32 requirement shall be ~~registered~~ numbered in Idaho under the provisions of  
 33 section 67-7122, Idaho Code, prior to operation in this state.

34 (2) Nonresidents with an all-terrain vehicle, utility type vehicle,  
 35 specialty off-highway vehicle or motorbike registered or numbered in an-  
 36 other state shall have the same use privileges and responsibilities as a  
 37 resident of this state with a properly registered or numbered vehicle.

38 SECTION 14. That Section 67-7125, Idaho Code, be, and the same is hereby  
 39 amended to read as follows:

40 67-7125. NOISE ABATEMENT. (1) Except as hereinafter provided, every  
 41 vehicle subject to ~~registration numbering~~ under section 67-7122, Idaho  
 42 Code, shall comply with the provisions of this section. Every vehicle sub-  
 43 ject to the provisions of this section shall at all times be equipped with  
 44 an exhaust system in good working order and in constant operation. If the  
 45 vehicle was originally equipped with a noise suppressing system or if the

1 vehicle is required by law or regulation of this state or the federal gov-  
 2 ernment to have a noise suppressing system, that system shall be maintained  
 3 in good working order. No person shall disconnect, modify or alter any part  
 4 of that system in any manner which will amplify or increase the vehicle's  
 5 noise emission above the noise limits established in subsection (3) of this  
 6 section, except temporarily in order to make repairs, replacements or ad-  
 7 justments. No person shall operate and no owner shall cause or permit to be  
 8 operated any vehicle while the vehicle's noise emission exceeds the noise  
 9 limits established in subsection (3) of this section or while the vehicle's  
 10 noise suppressing system is disconnected, modified or altered in violation  
 11 of the provisions of this section.

12 (2) No person shall operate a vehicle subject to the provisions of  
 13 this section unless that vehicle is equipped with a spark arrester device,  
 14 affixed to the exhaust system, of a type qualified and rated by the United  
 15 States forest service. The provisions of this subsection shall not apply  
 16 to vehicles being operated off the highway in an organized racing or com-  
 17 petitive event which is conducted on private land with the consent of the  
 18 landowner.

19 (3) Any vehicle subject to the provisions of this section shall at all  
 20 times be equipped with a noise suppressing system or other device which lim-  
 21 its noise emission to a base level of not more than ninety-six (96) decibels  
 22 when measured on the "A" scale using standards and procedures established by  
 23 the society of automotive engineers (SAE), specifically SAE standard J1287,  
 24 June, 1988, describing a test of a stationary vehicle with sound measured  
 25 twenty (20) inches and forty-five (45) degrees from the exhaust outlet, or  
 26 as otherwise described. The provisions of this subsection shall not apply  
 27 to vehicles being operated off the highway in an organized racing or com-  
 28 petitive event which is conducted on private land with the consent of the  
 29 landowner or on public land under permit.

30 (a) The department shall adopt regulations in accordance with chapter  
 31 52, title 67, Idaho Code, establishing the test procedures and instru-  
 32 mentation to be utilized. These procedures shall incorporate require-  
 33 ments for the test site environment and sound measuring equipment as set  
 34 forth in SAE standard J1287, June, 1988.

35 (b) Instrumentation shall include but not be limited to a sound level  
 36 meter meeting the type 1, type S1A, type 2, or type S2A requirements  
 37 of the American national standards institute (ANSI) specification for  
 38 sound level meters, S1.4-1983; a sound level calibrator, microphone  
 39 wind screen, external engine speed tachometer.

40 (4) A showing that the noise emission level of any vehicle subject to  
 41 and not otherwise exempt from the provisions of this section exceeds ninety-  
 42 six (96) decibels, as described and tested in subsection (3) of this section,  
 43 shall be prima facie evidence of a violation of subsection (1) of this sec-  
 44 tion.

45 SECTION 15. That Section 67-7126, Idaho Code, be, and the same is hereby  
 46 amended to read as follows:

47 67-7126. ESTABLISHMENT OF ACCOUNT -- DISTRIBUTION OF FEES. There is  
 48 established in the state treasurer's office an account to be known and des-  
 49 ignated as the "motorbike recreation account." The twelve dollar (\$12.00)

1 fee collected for off-highway vehicle ~~registration stickers~~ number certifi-  
 2 cates shall be allocated as follows:

3 (1) Vendors shall charge and retain one dollar and fifty cents (\$1.50)  
 4 for a handling fee;

5 (2) Up to fifteen percent (15%) shall be allotted to the department for  
 6 administration and for the production of ~~registration stickers~~ number cer-  
 7 tificates, which moneys shall be placed in the motorbike recreation account.  
 8 The department shall annually publish a report specifically identifying the  
 9 uses of account moneys;

10 (3) One dollar (\$1.00) shall be deposited into the off-highway vehicle  
 11 law enforcement fund. Moneys in said fund shall be paid and used as follows:

12 (a) Sheriffs of counties with a current or an actively developing off-  
 13 highway vehicle law enforcement program recognized by the department  
 14 shall receive moneys from the fund based upon a formula as provided in  
 15 rule promulgated by the board; and

16 (b) Moneys from the fund shall be used only for off-highway related law  
 17 enforcement activities; and

18 (4) One dollar (\$1.00) shall be allocated to the Idaho department of  
 19 lands to provide off-highway vehicle opportunities and to repair damage di-  
 20 rectly related to off-highway vehicle use. The department of lands shall an-  
 21 nually publish a report specifically identifying the uses of moneys allo-  
 22 cated pursuant to this subsection; and

23 (5) The remaining funds shall be transmitted to the state treasurer's  
 24 office for deposit to the credit of the motorbike recreation account, all  
 25 such moneys to be transmitted to the state treasurer on or before the tenth  
 26 day of each month.

27 Collection of fees for off-highway vehicle ~~registration~~ number certificates  
 28 shall not impose any additional liability on the state of Idaho or any of its  
 29 political subdivisions or upon the employees of the state and of its polit-  
 30 ical subdivisions, and those entities and persons shall retain the limita-  
 31 tions of liability provided by section 36-1604, Idaho Code, regardless of  
 32 the use of such fees.

33 SECTION 16. The department and the board are hereby authorized and di-  
 34 rected to adopt and/or amend rules necessary to implement the provisions of  
 35 this act.

36 SECTION 17. SEVERABILITY. The provisions of this act are hereby de-  
 37 clared to be severable and if any provision of this act or the application  
 38 of such provision to any person or circumstance is declared invalid for any  
 39 reason, such declaration shall not affect the validity of the remaining por-  
 40 tions of this act.